

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	MDL No. 1456
_____)	Civil Action No. 01-12257-PBS
)	
THIS DOCUMENT RELATES TO:)	Hon. Patti Saris
)	
<i>United States of America ex rel. Ven-a-Care of</i>)	Magistrate Judge Marianne B. Bowler
<i>the Florida Keys, Inc., v. Abbott Laboratories,</i>)	
<i>Inc., CIVIL ACTION NO. 06-11337-PBS</i>)	
)	

**UNOPPOSED MOTION BY THE UNITED STATES FOR
EXTENSION OF TIME TO RESPOND TO DEFENSE MOTIONS
FOR A FINDING OF SPOILIATION AND FOR SANCTIONS**

The United States moves this Court for a second extension to respond to motions by defendants for a finding of spoliation. Defendant Abbott Laboratories, Inc., filed a spoliation motion on June 4, 2009 (Dkt. 6096). Defendant Dey, Inc., filed a spoliation motion on June 12, 2009 (Dkt. 6109). Previously, the United States asked that it be allowed up to and including July 15, 2009 by which to file its opposition brief. The Government now asks for an additional five days – that is, until no later than July 20, 2009 – by which to file a responsive brief. Defense counsel have stated they will not oppose this request for an extension of time.

Based on the foregoing, the United States respectfully requests that it be permitted up to and including July 20, 2009 by which to respond to the above-referenced spoliation motions by Abbott and Dey.

Respectfully Submitted,

For the United States of America,

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Dated: July 15, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above
“UNOPPOSED MOTION BY THE UNITED STATES FOR EXTENSION OF TIME TO
RESPOND TO DEFENDANTS’ MOTIONS FOR A FINDING OF SPOLIATION AND
SANCTIONS" to be served on all counsel of record via electronic service pursuant to Paragraph
11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting
and notification to all parties.

Dated: July 15, 2009

/s/ Justin Draycott
Justin Draycott